discloses a sliding carriage E including edges that are capable of being tilted. Applicant disagrees with this assertion.

Milans discloses a block body E that is received within guide strips D, D'. Wheels (e) are positioned at upper and lower ends on one side of the block body E. On an opposite side of the block body E is a spring F. The spring F exerts a force that holds the wheels (e) against a surface (d') of the respective guide strip D, D'. The block body E does not include a tilt edge and cannot swivel about a tilt edge.

The examiner argues the block body E includes numerous edges that are capable of tilting movement due to the resiliency of the spring F which is attached to the carriage E. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." In re Rijckaert, 9 F.3d 1531, 1534; 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. There mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" In re Robertson, 169 F.3d 743; 49 USPQ2d 1949, 1950-1951 (Fed. Cir. 1999).

It is clear from the drawings and description of Milans that the block body E does not tilt. The spring F always biases the wheels (e) against the surface (d') of the guide strips D, D'. The spring F is the only component that provides variable movement within the slider mechanism. "As the truck reaches the narrow portion of the guide the lowermost point or arm of the spring is under greater compression than the upper one, and to equalize this pressure to a certain extent the

lower arm is made longer than the upper arm and extends somewhat below the truck." Page 2, lines 77-83. Thus, while the examiner argues that the block body E could tilt, it is clear that the block body E does not tilt.

The examiner seems to be arguing that the block E would inherently tilt but there is absolutely no basis for this assertion. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). As discussed in detail above, the block body E in Milans clearly does not tilt. Further, the examiner has not provided basis in fact or technical reasoning to support the assertion that Milans actually discloses, suggests, or teaches tilting movement of the block body E.

Further, claim 1 requires that the brake member lock the sliding carriage in the guide rail and that the carriage swivels about the tilt edge to release the brake member from the brake face. The examiner argues the wheels (e) in Milans correspond to applicant's claimed brake members, and that these wheels (e) are released from the brake face by movement of curtain stick A' against the bias of spring F. Applicant disagrees.

First, the wheels (e) are not brake members. Second, even assuming that the wheels (e) can be considered as corresponding to the claimed brake members, it is clear from Figure 3 of Milans that the wheels (e) can never be released from surface d'. Each of these arguments is presented in greater detail below.

While it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language

being read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Bond, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Applicant's brake members 26 are arranged on the side of the sliding carriage body 22 disposed in the guide groove 16. The brake members 26 are preferably made of plastic rubber, or other material having a high coefficient of friction and includes a pair of cushions 28 on the outside that are connected to each other by a connecting bridge 30. The braking forces at the interface between the side faces 18 and the cushions 28 of the brake member 26 are large enough to lock sliding carriage 12 in the guide rail 10. See paragraphs [32] and [35] and Figures 1 and 3.

The wheels (e) in Milans are a low friction component that allows the shade to be shifted within the guide strips D, D'. The wheels (e) themselves are clearly not capable of locking the body block E in the guide strips D, D'. Milans provides braking with the spring F. The spring F reacts against the body block E such that sufficient friction is provided to retain the shade in a desired position. See page 2, lines 55-60.

To summarize, wheels (e) in Milans allow sliding movement while applicant's claimed brake members prevent movement. One of ordinary skill in the art simply would not consider the wheels (e) of Milans as corresponding to the claimed brake members.

Further, the wheels (e) in Milans are not released from the engagement surface d'. The examiner argues that movement of curtain stick A' against the bias would release the wheels from the brake face. Applicant disagrees. Figure 3 clearly shows that the spring F cannot be sufficiently compressed such that the wheels (e) would be released from engagement with d' before the stick A' would hit retaining flange D2. In other words, the stick A' would clearly hit the retaining flange D2 before the wheels (e) could be released.

Thus, for the many reasons set forth above, claim 1 is not anticipated by Milans. For similar reasons, Milans does not disclose, suggest, or teach the features set forth in the remaining claims 2-23.

Applicant asserts that all claims are in condition for allowance and requests an indication of such. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on July 12, 2005.

Laura Combs